UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/336,424	SULCER ET AL.
	Examiner	**Art Unit**
	Hai V. Nguyen	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2003* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6)☐ Other:

Application/Control Number: 09/336,424 _____Page 2 __ __ __ __ __ __

Art Unit: 2142

DETAILED ACTION

1. This Office Action is in response to the communication received on 12 March 2003.

2. Claims 1-52 are presented for examination.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 March 2003 has been entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by **Agranat** et al. patent no. **(U.S. 5,973,696).**

6.   As to claim 1, Agranat teaches substantially the invention as claimed, including a

method, comprising:

a)   receiving a message (Fig. 12, HTTP message 1201) that was sent from a

remote device (Fig. 12, BROWSER), said message comprising a definition (Fig. 12,

Form name), a state change (Fig. 12, default values), and a command (Fig. 12, Submit),

said definition defining a fixed aspect of a user environment, said state change

describing a change in a non-fixed aspect of said user environment, said command

being a directive that causes a function (Fig. 12, item 1211a) to be performed (Agranat,

col. 16, lines 45-65); and,

b)   processing said definition before said state change and said command are

processed (Fig. 12, item 1203 before items 1205, 1209, 1211), processing said state

change before said command is processed (Fig. 12, items 1203a, 1205, 1207 before

item 1209, 1211), and processing said command (Fig. 12, items 1209-1215).

7.   As to claim 2, Agranat teaches, wherein said command further comprises an

express command (col. 14, lines 32-44).

8.   As to claim 3, Agranat teaches, wherein said express command corresponding to

a clicking a mouse button (col. 14, lines 32-44).

9.   As to claim 4, Agranat teaches, wherein said express command corresponding to

hitting an enter key (col. 14, lines 32-44).

10.   As to claim 5, Agranat teaches, wherein said express command corresponding to

selecting an option from a menu (col. 14, lines 32-44).

11.   As to claim 6, Agranat teaches, wherein said command further comprises an

instruction command (col. 14, lines 32-44).

12.   As to claim 7, Agranat teaches, wherein said instruction command corresponding

to getting a form (col. 14, lines 32-44, submitting a form).

13.   As to claim 8, Agranat teaches, wherein said state change corresponds to a new

value in a form (Fig. 12, item 1203a with which may alternate default values 1205 with

which to fill in the form, col. 14, lines 32-44).

14.   As to claim 9, Agranat teaches, wherein said definition corresponding to the

definition of a form (Fig. 9, item 911).

15.   As to claim 10, Agranat teaches, wherein said processing said definition further

comprises updating a definition record associated with a GUI understanding with said

definition (col. 13, line 25 – col. 14, line 31).

16.   As to claim 11, Agranat teaches, wherein said processing said state change

further comprises updating a state record associated with a GUI understanding with

said state change (col. 13, line 25 – col. 16, line 7).

17.   As to claim 12, Agranat teaches substantially the invention as claimed, including

a method executed by a local device that cooperatively operates with a remote device in

order to implement an application software program, said device separated from said

remote device by a network (internet), said method comprising:

        a)   recognizing that a dependence (Fig. 11, document node, e.g., the

presence an EMWEB_STRING tag 1107) on said remote device, said dependence

being a need for said remote device to perform some act, said act allowing said

application software program to continue to operate (Fig. 11, item 1107; col. 9, lines 3-

11; col. 13, line 14 – col. 14, line 31); and

      b)   sending a message (Fig. 11, item 1105) to said remote device, said

message comprising either a definition, a state change (Fig. 11, item 1109, dynamic

data), a command or some combination thereof, said definition defining a fixed aspect

of a said application software program, said state change describing a change in a non-

fixed aspect of said application software program, said command being a directive that

causes said remote device to perform said act (col. 16, lines 10-44).

18.   Claims 13-20 are substantially the same the claims 2-9 and are thus rejected for

the reason similar to those in rejection claims 2-9.

19.   Claims 21-22 are substantially the same the claim 10 and is thus rejected for the

reason similar to those in rejection claim 10.

20.   Claim 23 is substantially the same the claim 11 and is thus rejected for the

reason similar to those in rejection claim 11.

21.   As to claim 24, Agranat teaches, further comprising:

      receiving an acknowledgement message (Fig. 11, item 1103) from said remote

device, said acknowledgement message comprising either a second definition, a

second state change, a second command or some combination thereof; and

      processing said second definition (if any) before said second state change (if

any) and before said second command (if any) (col. 16, lines 10-44); and

      processing said second state change (if any) before processing said

second command (if any) (col. 16, lines 10-44).

22.   As to claim 25, Agranat teaches further comprising translating said definition (if

any), said state change (if any) and said command (if any) to a GUI (col. 15, line 18 -

col. 16, line 44).

23.   Claim 26 recites an apparatus corresponding to the method of operation of claim

1. The apparatus claim is taught in that it is simply follows the logical implementation of

the method of operation indicated in the referenced claims to perform each of logical

steps of processing a Form on the network that results from the combination of the

references discussed above regarding the claim to the method. Thus, the apparatus

described in claim 26 would have been taught in view of the elements provided in the

references, which correspond to the steps in the method for the same reasons

discussed above regarding claim 1.

24.   Claims 27-36 are substantially the same the claims 2-11 and are thus rejected for

the reason similar to those in rejection claims 2-11.

25.   Claim 37 recites an apparatus corresponding to the method of operation of claim

12. The apparatus claim is taught in that it is simply follows the logical implementation of

the method of operation indicated in the referenced claims to perform each of logical

steps of processing a Form on the network that results from the combination of the

references discussed above regarding the claim to the method. Thus, the apparatus

described in claim 37 would have been taught in view of the elements provided in the

combination of references, which correspond to the steps in the method for the same

reasons discussed above regarding claim 12.

26.   Claims 36-50 are substantially the same the claims 13-25 and are thus rejected

for the reason similar to those in rejection claims 13-25.

Claim Rejections - 35 USC § 103

27.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

28.   Claims 51, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Agranat in view of well known features of using computer program product stored on a

computer readable medium.

29.   As to claim 51, Agranat discloses a machine readable medium having stored

sequences of instructions which when executed by a processor, cause the processor to

perform the method steps of claim 1.

        The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in

the networking art to utilize a computer readable medium for the storing and execution

of the method and apparatus in order to a Form on the network. Therefore, it would

have been obvious to one of ordinary skill in the networking art at the time the invention

was made to have included the use of a computer readable medium to store and

execute the procedures of message tracking because use of storage medium for

programs used in general purpose computer to execute special purpose functions was

routine in the art.

30.   As to claim 52, Agranat discloses a machine readable medium having stored

sequences of instructions which when executed by a processor, cause the processor to

perform the method steps of claim 12.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in

the networking art to utilize a computer readable medium for the storing and execution

of the method and apparatus in order to a Form on the network. Therefore, it would

have been obvious to one of ordinary skill in the networking art at the time the invention

was made to have included the use of a computer readable medium to store and

execute the procedures of message tracking because use of storage medium for

programs used in general purpose computer to execute special purpose functions was

routine in the art.

Claim Rejections - 35 USC § 102

31.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e)

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

32.   Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by **Blinn** et

al. patent no. **(U.S. 5,897,622).**

33.   As to claim 1, Blinn teaches substantially the invention as claimed, including a

method, comprising:

a)   receiving a message (Fig. 6, request for HTML template 200) that was

sent from a remote device (Figs. 2, 3, BROWSER 123), said message comprising a

definition (Fig. 9, item 302), a state change (Fig. 6, items 210, 212), and a command

(Fig. 6, item 202), said definition defining a fixed aspect of a user environment, said

state change describing a change in a non-fixed aspect of said user environment, said

command being a directive that causes a function to be performed (Blinn, col. 13, line

55 – col. 14, line 61); and,

b)   processing said definition (Fig. 10, item 125) before said state change and

said command are processed, processing said state change (Fig. 10, item 129) before

said command is processed, and processing said command (col. 16, lines 6-37).

34.   Regarding to independent claims 26 and 51, the limitations of these claims are
similar to the independent claim 1; therefore, they are rejected under the same rational
as claim 1.

35.   Regarding to dependent claims 2-11, 27-36, the limitations of these claims are
taught within the figures and cited areas (Blinn, Fig. 12, items 123, 125, 126, 127, 129;
col. 17, line 18 – col. 19, line 15).

36.   As to claim 12, Blinn teaches substantially the invention as claimed, including a
method executed by a local device that cooperatively operates with a remote device in
order to implement an application software program, said device separated from said
remote device by a network (internet), said method comprising:

    a)   recognizing that a dependence on said remote device, said dependence
being a need for said remote device to perform some act, said act allowing said
application software program to continue to operate (col. 3, line 1 – col. 4, line 26).

    b)   sending a message to said remote device (Fig. 14, the action manager
128 sending a redirect instruction to the browser 123), said message comprising either
a definition, a state change, a command or some combination thereof, said definition
defining a fixed aspect of a said application software program, said state change
describing a change in a non-fixed aspect of said application software program, said
command being a directive that causes said remote device to perform said act (col. 19,
line 16 – col. 21, line 17).

37.   Regarding to independent claims 37 and 52, the limitations of these claims are

similar to the independent claim 1; therefore, they are rejected under the same rational

as claim 12.

38.   Regarding to dependent claims 13-25, 38-50, the limitations of these claims are

taught within the figures and cited areas (Blinn, Fig. 12; items 123, 125, 126, 127, 129;

col. 17, line 18 – col. 19, line 15).

Claim Rejections - 35 USC § 102

39.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e)

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

40.   Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by **Levine**

et al. patent no. **(U.S. 5,745,681).**

41.   As to claim 1, Levine teaches substantially the invention as claimed, including a

method, comprising:

        a)   receiving a message (a shopping page) that was sent from a remote

device (Fig. 2A, item 152), said message comprising a definition (Fig. 4, item 56a), a

state change (Fig. 4, item 62), and a command (Fig. 4, item 64), said definition defining

a fixed aspect of a user environment, said state change describing a change in a non-

fixed aspect of said user environment, said command being a directive that causes a

function to be performed (Levine, col. 1, line 50 – col. 2, line 51); and,

b)   processing said definition before said state change and said command are

processed, processing said state change (Fig. 10, item 129) before said command is

processed, and processing said command (Levine, col. 5, line 23 – col. 6, line 39).

42.   Regarding to independent claims 26 and 51, the limitations of these claims are

similar to the independent claim 1; therefore, they are rejected under the same rational

as claim 1.

43.   Regarding to dependent claims 2-11, 27-36, the limitations of these claims are

taught within the figures and cited areas (Levine, Figs. 4-6; col. 5, line 1 – col. 6, line

67).

44.   As to claim 12, Levine teaches substantially the invention as claimed, including a

method executed by a local device that cooperatively operates with a remote device in

order to implement an application software program, said device separated from said

remote device by a network (internet), said method comprising:

a)   recognizing that a dependence on said remote device, said dependence

being a need for said remote device to perform some act, said act allowing said

application software program to continue to operate (Levine, col. 1, line 50 – col. 2, line

51).

b)   sending a message to said remote device (Levine, Fig. 2E, item 215), said

message comprising either a definition, a state change, a command or some

combination thereof, said definition defining a fixed aspect of a said application software

program, said state change describing a change in a non-fixed aspect of said

application software program, said command being a directive that causes said remote

device to perform said act (Levine, col. 7, line 54 – col. 8, line 25).

45.   Regarding to independent claims 37 and 52, the limitations of these claims are

similar to the independent claim 1; therefore, they are rejected under the same rational

as claim 12.

46.   Regarding to dependent claims 13-25, 38-50, the limitations of these claims are

taught within the figures and cited areas (Levine, Figs. 4-6; col. 17, line 18 – col. 19, line

15).

Claim Rejections - 35 USC § 102

47.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e)

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b),
by another filed in the United States before the invention by the applicant for patent or (2) a
patent granted on an application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international application filed under the treaty
defined in section 351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the United States and
was published under Article 21(2) of such treaty in the English language.

48.   Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by **Saliba**

et al. patent no. **(U.S. 6,052,710)**.

49.   As to claim 1, Saliba teaches substantially the invention as claimed, including a

method, comprising:

a)   receiving a message (HTTP message) that was sent from a remote device

(Fig. 1, item 108), said message comprising a definition (Fig. 2, item 200, Web Doc), a

state change (Fig. 2, function calls for price or inventory information), and a command

(Fig. 2, item 204), said definition defining a fixed aspect of a user environment, said

state change describing a change in a non-fixed aspect of said user environment, said

command being a directive that causes a function to be performed (Saliba, col. 7, line

60 – col. 9, line 26); and,

b)   processing said definition before said state change and said command are

processed, processing said state change before said command is processed, and

processing said command (Saliba, col. 7, line 60 – col. 9, line 26).

50.   Regarding to independent claims 26 and 51, the limitations of these claims are

similar to the independent claim 1; therefore, they are rejected under the same rational

as claim 1.

51.   Regarding to dependent claims 2-11, 27-36, the limitations of these claims are

taught within the figures and cited areas (Saliba, Fig. 2; col. 7, line 60 – col. 9, line 26).

52.   As to claim 12, Saliba teaches substantially the invention as claimed, including a

method executed by a local device that cooperatively operates with a remote device in

order to implement an application software program, said device separated from said

remote device by a network (internet), said method comprising:

a)   recognizing that a dependence on said remote device, said dependence

being a need for said remote device to perform some act, said act allowing said

application software program to continue to operate (Saliba, col. 6, line 50-63).

b)   sending a message to said remote device (Saliba, Fig. 5, item 502), said

message comprising either a definition, a state change, a command or some

combination thereof, said definition defining a fixed aspect of a said application software

program, said state change describing a change in a non-fixed aspect of said

application software program, said command being a directive that causes said remote

device to perform said act (Saliba, col. 13, line 3 – col. 15, line 22).

53.   Regarding to independent claims 37 and 52, the limitations of these claims are

similar to the independent claim 1; therefore, they are rejected under the same rational

as claim 12.

54.   Regarding to dependent claims 13-25, 38-50, the limitations of these claims are

taught within the figures and cited areas (Saliba, Figs. 4-5; col. 11, line 50 – col. 15, line

22).

55.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

56.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-

0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3800/4700.

Hai V. Nguyen
HN
Art Unit 2142

MARK R. POWELL
SUPERVISORY PATENT EXAMINER
GROUP 2400